

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:04-00198-02

ANDRE JOHNSON, JR.

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 17, 2021, the United States of America appeared by M. Ryan Blackwell, Assistant United States Attorney, and the defendant, Andre Johnson, Jr., appeared in person and by his counsel, James Woodrow Hill, for a hearing on the petition (August 4, 2015) and amendment to petition (March 20, 2019) seeking revocation of supervised release, submitted by Supervisory United States Probation Officer Mildred M. DeVore. The defendant commenced a five (5) year term of supervised release in this action on July 16, 2014, as more fully set forth in the Judgment in a Criminal Case entered by the court on March 2, 2005.

The court heard the admissions of the defendant, and the representations and arguments of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release by committing violations of the laws of the state of Ohio, for which he has been convicted in the following respects: (1) on or about October 17, 2014, the defendant committed felony menacing by stalking and felony attempted unauthorized use of a vehicle; (2) on or about October 22, 2014, the defendant committed misdemeanor failure to stop after an accident; (3) on or about October 9 and October 10, 2014, the defendant committed attempted theft and aggravated theft, respectively; (4) on July 6, 2015, the defendant committed a felony aggravated robbery with a firearm, and the felony of having weapons under disability; and, (5) on or about June 3, 2015, the defendant committed felony aggravated robbery; for all of which he was convicted in Cuyahoga County Common Pleas Court, at Cleveland, Ohio; and all as admitted by the defendant, and as set forth in the petition and amended petition on supervised release, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

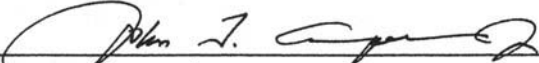
And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FIFTEEN (15) MONTHS, with credit for time served, to be followed by THREE (3) YEARS of supervised release, upon the same terms and conditions as heretofore with the added condition that the defendant, upon release from custody, will go directly from custody to a residential program at Recovery U in Saint Albans, West Virginia, where the defendant shall participate in the program for a period of at least one year and successfully complete it. The defendant is to be transported from custody

directly to Recovery U by, first, a family member, then, if no family member can transport the defendant, by James Woodrow Hill, defendant's counsel, if available, and if defense counsel is not available due to an armed service commitment, then, Recovery U's owner, Linda Carter, who was present for the hearing at defendant's request, has stated that someone from Recovery U will pick up the defendant from custody and bring the defendant directly to Recovery U.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 24, 2021



John T. Copenhaver, Jr.
Senior United States District Judge